

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

PEGGY S. LEGRANDE)	
)	
Plaintiff,)	
)	Case No. 08 CV 2047
-v-)	
)	JUDGE GOTTSCHALL
UNITED STATES OF AMERICA,)	
)	
Defendant.)	

FIRST AMENDED COMPLAINT

NOW COMES Plaintiff, PEGGY S. LEGRANDE, by and through undersigned counsel, and complaining against the defendant, UNITED STATES OF AMERICA, states as follows:

1. The federal district courts have exclusive jurisdiction of this action under 28 U.S.C. §1346(b)(1) as it includes a civil action against the United States for money damages for personal injury caused by the negligent or wrongful acts or omissions of employees of the Government while acting within the scope of their office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.

2. Plaintiff filed a claim under the Federal Torts Claim Act on September 24, 2007. The claim was denied by the defendant, United States of America on March 26, 2008. (*See* Exhibit A). Plaintiff has complied with all jurisdictional provisions of 28 U.S.C. §2675 and has exhausted her administrative remedies prior to the filing of this action.

3. Venue is proper in the Northern District of Illinois, Eastern Division under 28 U.S.C. §1391(e) as a substantial part of the events or omissions giving rise to the claim occurred in this district.

4. On February 10, 2006, Southwest Airlines Co. operated a certain Boeing 737 airplane as Southwest Airlines Flight 2745 (SWA Flight 2745) with scheduled service from Cleveland, Ohio to Chicago, Illinois.

5. On February 10, 2006, the Plaintiff, Peggy S. LeGrande, was a flight attendant employed by Southwest Airlines Co., and was aboard SWA Flight 2745 within the scope and performance of her employment duties.

6. On February 10, 2006, prior to the takeoff of said flight, the Federal Aviation Administration (FAA) and the air traffic supervisors, controllers and other FAA personnel handling SWA Flight 2745 within the airspace boundaries of the Cleveland Air Traffic Control Center were aware of pilot reports, weather reports and forecasts and other weather related products generated and issued by the Cleveland Center Weather Service Unit meteorologist respecting severe clear air turbulence reported and/or forecasted to exist in and/or within close proximity to the flight path and chosen altitude of flight SWA 2745, including its flight path through the airspace boundaries of the Cleveland Air Traffic Control Center's jurisdiction.

7. That at all times herein relevant, it was the duty of the defendant, United States of America, individually and/or through the FAA, its employees, agents and representatives, to exercise reasonable care in its conduct so as not to cause injury to persons aboard aircraft involved in air transportation under 49 C.F.R. Part 121 and within the airspace of the United States of America, in accordance with applicable federal regulations, FAA orders, FAA guides, instruction manuals and other applicable air traffic control materials and guidelines respecting the control of air traffic within the Cleveland Air Traffic Control Center airspace including the handling of and communications with the pilots of the subject SWA Flight 2745.

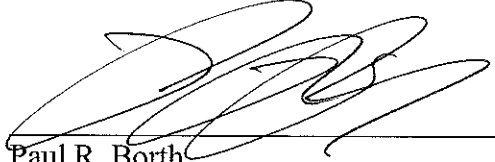
8. That the United States of America, individually and/or through the FAA, its employees, agents and representatives, breached the duty owed to the Plaintiff by failing to provide the pilot of SWA Flight 2745 with the aforementioned known, existing, pertinent pilot reports, weather reports, advisories and impact statements and forecasts issued by the meteorologist in the Center Weather Service Unit at Cleveland Center respecting severe clear air turbulence existing in and near the flight path and chosen altitude of SWA Flight 2745.

9. As a direct and proximate result of the negligent breach of duty by the United States of America individually and/or through the FAA, its employees, agents and representatives, SWA Flight 2745 encountered severe clear air turbulence which resulted in large abrupt changes in altitude and attitude thereby violently forcing the Plaintiff, Peggy S. LeGrande, to be thrown about the interior of the airplane and suffer severe and permanent injuries.

10. That as a result of the aforesaid injuries, the Plaintiff, Peggy S. LeGrande, was caused to and will in the future experience great pain and suffering, has suffered and will in the future suffer disability and disfigurement, has suffered and will in the future suffer a loss of normal life, has been caused to incur and will in the future incur expenses for necessary medical care, treatment and services, has suffered and will in the future suffer a loss of the value of her time, earnings, profits and salaries and has been and will be damaged in her earning capacity, and has otherwise been damaged in a personal and pecuniary nature.

WHEREFORE, the Plaintiff, Peggy S. LeGrande, prays that judgment be entered in her favor and against the defendant, United States of America, in the sum of twenty-five million dollars (\$25,000,000), together with prejudgment interest, attorneys' fees and the costs of this action.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Paul R. Borth', written over a horizontal line.

Paul R. Borth
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